

**Heriberto  
Cabrera &**  
ASSOCIATES • ATTORNEYS AT LAW

480 39<sup>th</sup> Street, 2nd Floor  
Brooklyn, NY 11232  
T: 718.439.3600  
F: 718.439.1452  
[www.gonylaw.com](http://www.gonylaw.com)  
[info@gonylaw.com](mailto:info@gonylaw.com)

The Honorable Vernon S. Broderick  
District Judge  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

Re: Frias v. First Ave & 117<sup>th</sup> St Inc., et al.,  
Dkt. No.: 23-cv-07439-VSB

**APPLICATION DENIED**  
**SO ORDERED**   
**VERNON S. BRODERICK**  
**U.S.D.J.** 10/11/2023.

Given that the Defendants have appeared in this action, (See Doc. 11), this motion is hereby moot. The Clerk of Court is respectfully directed to terminate the pending motion at Doc. 9. SO ORDERED.

Dear Judge Broderick:

The instant submission is made pursuant to the Court's Order of October 3, 2023 requiring Plaintiff to comply with the Court's rules regarding the prosecution of a court matter where defendants have failed to appear. This Court has directed Plaintiff to prosecute the matter and to comply with its rules regarding the obtainment of a default judgment by no later than October 17, 2023. By this writing the undersigned informs the Court that we have been in contact with a Mr. Hussain who represents to be the accountant for Defendants. Pursuant to the request of the undersigned, Mr. Hussain emailed an authorization permitting Plaintiff to share certain damages calculations which were prepared for the prosecution of the instant matter.

My office contacted Mr. Hussain for the preparation of the instant filing to find out whether Defendants had hired a lawyer and to find out how Defendants were intending to proceed. Mr. Hussain indicated that he was in Australia on an emergency, but that he had spoken with an attorney who was supposed to file an appearance on behalf of Defendants. When my office informed Mr. Hussain that no attorney had appeared on the matter, he indicated that he will contact the attorney again on behalf of Defendants.

Further, Plaintiff's counsel is traveling out of the country through October 25, 2023. In view of the imminent appearance of counsel for Defendants, and the unavailability of Plaintiff's counsel for the appearance scheduled for October 17, 2023, it is respectfully requested this Court enlarge the time for Plaintiff to file a Certificate of Default by November 10<sup>th</sup>, 2023.

Respectfully submitted,

/s/ Heriberto Cabrera